

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY JAY RUNNINGWOLF,

Defendant.

CR-08-106-GF-BMM-RKS-01

ORDER

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on January 13, 2014, Doc. 84. Defendant admitted he had violated special conditions 1-4 of his supervised release conditions by failing to report to his probation officer, failing to participate in required substance abuse testing, failing to comply with violent offender registration requirements, and possessing a controlled substance. Judge Strong

found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 24 months with no supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309,1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of his supervised release by failing to report to his probation officer, failure to report for substance abuse testing, failure to register for violent offender registration requirements, and for possessing saboxone. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. Pursuant to 18 U.S.C. 3583(e), however, Runningwolf can be sentenced to 24 months in custody. A sentence of 24 months with no supervised release to follow is appropriate because Mr. Runningwolf has completely disregarded conditions imposed by the court and refused to cooperate with his probation officer. Supervision is ineffective in his case, and is a poor use of resources. Thus, a custodial sentence with no supervised release is warranted in this case.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 84) are **ADOPTED** in full and Judgement shall be entered accordingly.

DATED this 29th day of January, 2014.



Brian Morris
United States District Court Judge